

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: Richard A Foster Leanne M. Foster	Debtor(s)	BK. NO. 18-23502 JAD
Freedom Mortgage Corporation	Movant	
v.		CHAPTER 13
Richard A Foster Leanne M. Foster	Respondents	
and		
Ronda J. Winnecour, Trustee	Additional Respondents	

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

/s/ Brian C. Nicholas, Esquire

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Date: December 8, 2020

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FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: Richard A Foster
Leanne M. Foster

Debtor(s)

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CHAPTER 13

v.

Richard A Foster
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Respondents

and

Ronda J. Winnecour, Trustee

Additional Respondents

**MOTION OF FREEDOM MORTGAGE CORPORATION
FOR RELIEF FROM THE AUTOMATIC STAY
UNDER SECTION 362**

Movant, by its Attorney, KML Law Group, P.C., hereby requests a termination of the Automatic Stay and leave to foreclose on its mortgage on real property owned by Debtor(s).

1. Movant is Freedom Mortgage Corporation.
2. Debtor(s), Richard A Foster and Leanne M. Foster, are the owner(s) of the premises located at 315 E. Hazelcroft Avenue , New Castle, PA 16105, hereinafter known as the mortgaged premises.
3. Movant is the holder of a mortgage, original principal amount of \$113,930.00 on the mortgaged premises that was executed on November 30, 2016. Said mortgage was recorded on December 7, 2016 in Instrument Number 2016-009471. The mortgage was subsequently assigned to the Movant by way of an assignment of mortgage recorded on September 15, 2019 in Lawrence County in Instrument Number 2018-006953.
4. Movant has instituted or wishes to institute foreclosure proceedings on the mortgage because of Debtor's failure to make the monthly payment required thereunder.
5. As of November 30, 2020, the payoff amount due on the mortgage is \$111,963.63.
6. Debtor(s) is currently delinquent in payments to the Chapter 13 Trustee in the amount of \$7,000.00.
7. The total amount of post-petition arrearage is \$4,369.34. Debtor is post-petition due for August 2020 through November 2020 in the amount of \$1,074.87 and \$995.33 for December 2020 and a

suspense balance of \$925.47.

9. The fair market value of the premises is \$140,000.00, per the Debtor's Schedules.

10. The Senior Lien Holders on the premises are none.

11. The Junior Lien Holders on the premises are none.

12. The foreclosure proceeding filed or to be instituted were stayed by the filing of the instant Chapter 13 Petition.

13. Debtor(s) have no or inconsequential equity in the premises.

14. Movant has cause to have the Automatic Stay terminated as to permit Movant to complete foreclosure on its mortgage.

15. This motion and the averments contained therein do not constitute a waiver by the Moving Party of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant respectfully requests that this Court enter an Order modifying the Automatic Stay under Section 362 with respect to the mortgaged premises as to permit Petitioner to foreclose on its mortgage and allow Movant or any other purchaser at Sheriff's Sale to take legal action for enforcement of its right to possession of said premises.

Date: December 8, 2020

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